

Message Text

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ACTION IO-13

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-04 H-01 INR-07 L-03
NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15 USIA-06
AID-05 COME-00 EB-08 FRB-03 TRSE-00 XMB-02 OPIC-03
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R 150818Z MAR 77
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TO SECSTATE WASHDC 1047
INFO USMISSION USUN NEW YORK

LIMITED OFFICIAL USE SECTION 1 OF 3 VIENNA 1989

FOR NORRIS AND SCHWEBEL

EO 11652: NA
TAGS: UNIDO, EIND, OCON, PORG
SUBJECT: IGC-V, REPORT NO. 1 ON PREAMBLE, ARTICLES 1 AND 2

REF: STATE 49072

1. SUMMARY: GROUP B (WESTERN EUROPEANS AND OTHERS) QUICKLY ORGANIZED COHERENT POSITIONS ON A/AC.180/9/ADD. 1, PREAMBLE ARTICLE 1 ON OBJECTIVES, AND ARTICLE 2 ON FUNCTIONS, REFLECTING EARLY US LEADERSHIP AND INITIATIVE. FIRST HOURS OF NEGOTIATIONS WITH OTHER GEOGRAPHICAL GROUPS IN AD HOC DRAFTING GROUP ON PREAMBLE AND ARTICLES 1 AND 2 WERE THEREFORE BASED ON WRITTEN COMPROMISE PROPOSALS PUT FORWARD BY GROUP B. AT CONCLUSION OF FIRST WEEK OF IGV-V THE AD HOC DRAFTING GROUP COMPLETED A REPORT ON AGREED TEXTS AND OUTSTANDING DIFFERENCES (SEPTTEL REPORTS 2 AND 3) TO BE SUBMITTED TO CONTACT GROUP AND ADJOURNED UNTIL SUCH TIME AS CONTACT GROUP HAS INDICATED THAT MODIFIED GOVERNMENT INSTRUCTIONS MIGHT MAKE FURTHER AGREEMENT POSSIBLE. DURING SECOND WKK, DELEGATES FREED BY COMPLETION OF AD HOC DRAFTING
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GROUP REPORT WILL FORM SECOND DRAFTING GROUP ON BUDGET DEFINITION AND PROCEDURES. NO. DEPT. ACTION IS REQUIRED. END SUMMARY.

2. FIFTH SESSION OF INTER-GOVERNMENTAL COMMITTEE OF WHOLE TO DRAW UP A CONSTITUTION FOR UNIDO AS A SPECIALIZED AGENCY (IGC-V) GOT OFF TO A FAST-PACED START. (BESIDES COMPLETION BY AD HOC DRAFTING GROUP IF ITS REPORT, LEGAL DRAFTING GROUP COMPLETED

WITHIN FIRST WEEK TEXTS OF ARTICLES ON OBSERVERS AND ON WITHDRAW-
AL BOTH OF WHICH HAD LONG BEEN STALEMATED (VIENNA 1911, 1959, AND
1974). A REQUEST OF GROUP OF 77, THE FIRST DAY-AND-A-HALF WERE DEVOTE
D
TO REGIONAL GROUP MEETINGS. GROUP B IMMEDIATELY BEGAN WORK
IN THREE SUB-GROUPS CORRESPONDING TO THREE IGC DRAFTING/NEGOTIATING
GROUPS, VIZ., (A) ON PREAMBLE, ARTICLES 1 AND 2, (B) ON
LEGAL ARTICLES AND (C) ON BUDGET DEFINITION AND PROCEDURES.

3. ARTICLE 2, FUNCTIONS. ONLY MAJOR FISSURE IN GROUP B POSITIONS
ON PREAMBLE AND ARTICLES 1 AND 2 SURFACED MONDAY, MARCH 7, AT
MEETING OF GROUP B SUB-GROUP ON PREAMBLE AND ARTICLES
1 AND 2. AUSTRIAN DELEGATION, WITH SYMPATHETIC SUPPORT OF FRG
DELEGATION, PROPOSED GROUP B EXAMINE ALTERNATIVE LANGUAGE FOR THE
CHAPEAU OF ARTICLE 2 WICH WOULD ALLOW LINKAGE OF PREAMBLE
WITH BODY OF CONSTITUTION, E.G., "IN THE SPIRIT OF" OR "IN THE
LIGHT OF" VICE "IN ACCORDANCE WITH". ON GROUNDS BOTH OF SUBSTANCE
(U.S. STRATEGY PAPER TAB 1, PAGE 3) AND TACTICS, U.S. DEL SUPPORTED
BY U.K., AND AUSTRALIAN DELS ARGUED STRENUOUSLY AND SUCCESSFULLY
AGAINST GIVING G-77 ANY HOPE THAT GROUP B WOULD ENTERTAIN
ANY POSSIBILITY OF LINKING TO THE BODY OF THE CONSTITUTION
THE PREAMBULAR REFERENCES TO THE SIXTH SPECIAL
SESSION RESOLUTIONS, THE CHARTER OF ECONOMIC RIGHTS AND
DUTIES OF STATES AND THE LIMA DECLARATION AND PLAN OF ACTION.
THE TACTICAL CONSIDERATION WAS THE PREDICTABLE G-77 REACTON
THAT IF THE LINK WERE BROUGHT UP EARLY IT COULD PREEMPT
DISCUSSION OF THE SUBSTANCE OF THE PREAMBLE. TEMPTING THE G-77
TO SIMPLY OFFER CONCESSION OF THE LINK IN RETURN
FOR GROUP B CONCESSION TO ALLOW FULL-BLOWN G-77 REFERENCES
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TO DISPUTED DOCUMENTS IN THE PREAMBLE. GROUP B
FISSURE WAS QUICKLY CLOSED AND IN SUBSEQUENT LENGTHLY
NEGOTIATIONS WITH G-77, THE LINK WAS HARDLY MENTIONED EXCEPT
FOR GROUP B REITERATING THAT THE ELIMINATION OF THE LINK WAS A
PRECONDITION FOR ACCEPTING PREAMBULAR REFERENCES IN WATERED-DOWN
FORM AND G-77 INSISTING THAT A LINK MUST BE MAINTAINED.

4. MORNING TUESDAY, MARCH 8, GROUP B PLENARY AGREED TO
FOLLOWING GROUP B SUB-GROUP PROPOSAL (DRAFTED BY USDEL)
WITH UNDERSTANDING THAT ELEMENTS OF PREAMBULAR PARA (2), (3),
(5), AND (9) WOULD BE NEGOTIATED WITH GROUP D (SOVIET BLOC)
WHILE PREAMBULAR PARAS (3), (7), (10), AND ARTICLE 1 WOULD BE
NEGOTIATED WITH G-77. AT THE SAME TIME INITIATION OF DISCUSSION
BY GROUP B OF ARTICLE 2 CHAPEAU AND SUB-PARA (T) WOULD BE
STUDIOUSLY AVOIDED. USDEL PERSUADED G-77 CHAIRMAN OF AD HOC

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FOR NORRIS AND SCHWEBEL

DRAFTING GROUP (PANAMA AMBASSADOR) THAT BEST WAY TO PROCEED
AT FIRST MEETING WEDNESDAY MORNING, MARCH 9, WOULD BE TO
ADJOURN IMMEDIATELY AND ALLOW INFORMAL CONSULTATIONS. THIS
PROCEDURE ALLOWED USDEL, SUPPORTED BY OTHERS IN GROUP B, TO
SPEAK SIMULTANEOUSLY AND SEPARATELY TO GROUP D AND G-77 REPS.
USDEL SPEAKING WITH G-77 REPS PRESENTED WRITTEN TEXT OF ABOVE
PARAS (3), (7), AND ARTICLE 1 WHICH FORMED BASIS FOR FIRST
ROUND OF NEGOTIATIONS ON WEDNESDAY, MARCH 9. RESULTS OF MARCH 9
NEGOTIATIONS WERE REFERRED BACK TO REGIONAL GROUPS PLENARIES.

5. TEXT APPROVED BY GROUP B, WEDNESDAY, MARCH 9, AS COMPROMISE
OFFER TO OTHER GROUPS FOLLOWS:

BEGIN TEXT:

PIECES OF A PREAMBLE/ARTICLE 1/ARTICLE 2 PACKAGE

(1) AS IS

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(2) IN CONFORMITY WITH THE CHARTER OF THE UNITED NATIONS,

(3) BEARING IN MIND THE BROAD OBJECTIVES OF THE RESOLUTION OF THE 25TH GENERAL ASSEMBLY ON THE INTERNATIONAL DEVELOPMENT STRATEGY FOR THE 2ND UN DEVELOPMENT DECADE, OF THE RESOLUTIONS OF THE SIXTH SPECIAL SESSION OF THE GENERAL ASSEMBLY ON THE ESTABLISHMENT OF A NEW INTERNATIONAL ECONOMIC ORDER, OF THE UNIDO SECOND GENERAL CONFERENCE'S LIMA DECLARATION AND PLAN OF ACTION FOR INDUSTRIAL DEVELOPMENT AND COOPERATION, AND OF THE RESOLUTION OF THE SEVENTH SPECIAL SESSION OF THE GENERAL ASSEMBLY ON DEVELOPMENT AND INTERNATIONAL ECONOMIC COOPERATION.

(4) AS IS

(5) END WITH "WORLD ECONOMY." DELETING WORDS IN BRACKETS.

(6) AS IS

(7) ANY PROCESS OF INDUSTRIALIZATION MUST CONFORM TO THE BROAD OBJECTIVES OF SELF-SUSTAINING AND INTEGRATED SOCIO-ECONOMIC DEVELOPMENT AND SHOULD ENSURE THE EQUITABLE AND EFFECTIVE PARTICIPATION OF THE PEOPLES OF ALL COUNTRIES IN THEIR OWN INDUSTRIAL DEVELOPMENT,

(8) AS IS

(9) ALL COUNTRIES, IRRESPECTIVE OF THEIR SOCIAL AND ECONOMIC SYSTEMS, ARE DETERMINED TO PROMOTE THE COMMON WELFARE OF THEIR PEOPLES AND TO MAINTAIN PEACE AND SECURITY BY INDIVIDUAL AND COLLECTIVE ACTIONS AIMED AT EXPANDING INTERNATIONAL ECONOMIC COOPERATION, STRENGTHENING OF THE ECONOMIC INDEPENDENCE OF THE DEVELOPING COUNTRIES AND ACHIEVING THEIR EQUITABLE SHARE IN TOTAL WORLD INDUSTRIAL PRODUCTION.

(10) GUIDED BY THE ABOVE,

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(11) AS IS

(12) AS IS

ARTICLE 1

THE PRIMARY OBJECTIVE OF THE ORGANIZATION SHALL BE THE PROMOTION AND ACCELERATION OF INDUSTRIAL DEVELOPMENT IN THE DEVELOPING COUNTRIES WITH A VIEW TO ASSISTING IN THE ESTABLISHMENT OF A NEW AND MORE EQUITABLE INTERNATIONAL ECONOMIC SYSTEM THE ORGANIZATION SHALL ALSO PROMOTE INDUSTRIAL DEVELOPMENT AND COOPERATION ON A GLOBAL, REGIONAL, NATIONAL AND SECTORAL LEVEL.

ARTICLE 2

CHAPEAU - "THE ORGANIZATION SHALL"

(N) COOPERATE WITH THE UN COMMISSION FOR TRANSNATIONAL CORPORATIONS IN ORDER THAT TRANSNATIONAL CORPORATIONS MAKE A MAXIMUM CONTRIBUTION TO THE INDUSTRIAL DEVELOPMENT OF THE DEVELOPING COUNTRIES;

(T) GENERALLY TAKE ALL NECESSARY AND APPROPRIATE ACTION TO IMPLEMENT THE OBJECTIVES IN ARTICLE 1. END TEXT.

6. MORNING THURSDAY, MARCH 10, GROUP B PLENARY RECEIVED ORAL AND WRITTEN REPORT OF MARCH 9 AD HOC DRAFTING GROUP AND APPROVED FOLLOWING GROUP B POSITION (DRAFTED BY USDEL) WHICH FORMED BASIS OF SOLID GROUP B POSITION THROUGHOUT REMAINDER OF MARCH 9, 10, AND 11 NEGOTIATIONS UNTIL REPORT OF AD HOC DRAFTING GROUP COMPLETED FRIDAY EVENING. (TEXT OF REPORT AVAILABLE EARLY WEEK OF MARCH 14 WILL BE SENT TO DEPT. (NORRIS AND SCHWEBEL) BY INTERNATIONAL AIRMAIL).

7. TEXT APPROVED BY GROUP B WEDNESDAY, MARCH 10, FOLLOWS:
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BEGIN TEXT. GROUP B PLENARY DECISION ON MARCH 9.
AD REFERENDUM AGREEMENTS BY AD HOC DRAFTING GROUP

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FOR NORRIS AND SCHWEBAL

GROUP B PLENARY WILL CONTINUE TO PROPOSE PREAMBULAR PARAGRAPH (3) THE COMPROMISE OF LISTING HISTORICAL DOCUMENTS AND THE MAJOR CONCESSION OF REFERRING TO "RESOLUTIONS OF THE SIXTH SPECIAL SESSION" AND "THE ESTABLISHMENT OF A NEW INTERNATIONAL ECONOMIC ORDER" ONLY IF ASSIMILATION BY REFERENCE OF THE PREAMBLE INTO THE FUNCTIONS ARTICLE ARE ELIMINATED FROM ARTICLE 2 CHAPEAU AND ARTICLE 2 SUB-PARAGRAPH (T). GROUP B PLENARY CAN ACCEPT PREAMBULAR PARAGRAPH (9) PHRASE "AND TO MAINTAIN JUST AND DURABLE PEACE AND SECURITY" ONLY IF PREAMBULAR PARAGRAPH (9) PHRASE "AND THE EXERCISE OF SOVEREIGNTY OVER THEIR NATURAL RESOURCES" IS DROPPED AND REFERENCE TO CRDS IS NOT REINTRODUCED INTO PREAMBULAR PARAGRAPH (3). (DIRECTED AT GROUP D)

GROUP B PLENARY CAN ACCEPT PREAMBULAR PARAGRAPH 9 PHRASE "ON THE BASIS OF SOVEREIGN EQUALITY" ONLY IF AGREEMENT ON ARTICLE 1 IS REACHED. (DIRECTED AT CHINA.)

GROUP B PLENARY CAN ACCEPT THE ARTICLE 1 AD REFERENDUM
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TEXT OF MARCH 9 WHEN PREAMBULAR PARAGRAPHS (7) AND (9) ARE SETTLED.

GROUP B PLENARY CAN ACCEPT THE ARTICLE 1 AD REFERENDUM

TEXT OF MARCH 9 WHEN PREAMBULAR PARAGRAPHS (7) AND (9) ARE SETTLED.

GROUP B PLENARY HAS NO FLEXIBILITY TO NEGOTIATE ON ARTICLE 2 CHAPEAU OR SUBPARAGRAPHS (T). END TEXT.

8. PRINCIPAL GROUP B SPOKESMEN IN THE AD HOC DRAFTING GROUP WERE UK, US, AND FRG, WITH AUSTRALIAN AND FRENCH SUPPORT. PRINCIPAL GROUP D SPOKESMEN WERE USSR AND GDR WITH CZECH SUPPORT. PRINCIPAL G-77 SPOKESMEN WERE PHILIPPINES, BRAZIL, QATAR, ARGENTINA, AND MALAYSIA. INTERVENTING TO PREVENT AGREEMENT, PARTICULARLY ON ARTICLE 2, SUBPARAGRAPH (N) ON TRANSNATIONAL CORPORATIONS, WAS PERU WITH SUPPORT BEHIND SCENES FROM CUBA, COLOMBIA, VENEZUELA, AND POSSIBLY ALGERIA. UNLIKE DURING IGC-IV, ALGERIA HAS NOT BEEN A PRINCIPAL G-77 SPOKESMAN IN AD HOC DRAFTING GROUP. G-77 SPOKESMEN INFORMED US PRIVATELY THAT THEIR ABILITY TO COMPROMISE WAS

LIMITED BECAUSE MANY G-77 COUNTRIES WERE NOT REPRESENTED IN VIENNA AND ALSO BECAUSE SOME NEW YORK AND GENEVA G-77 PERSONALITIES TOOK A HARD LINE. USDEL FORCEFULLY RESPONDED PRIVATELY THAT THIS WAS PROBLEM FOR G-77 TO SOLVE AND WAS IRRELEVANT TO GROUP B INSTRUCTIONS ON PROVISIONS NECESSARY FOR THEIR GOVERNMENTS TO RATIFY TREATY AND JOIN SPECIALIZED AGENCY. NIGERIAN AMBASSADOR WHO IS CHIEF OF G-77 CAUCUS APPEARED AT FINAL FRIDAY NIGHT MEETING OF AD HOC DRAFTING GROUP TO SPEAK IN SUPPORT OF PERUVIAN PROPOSAL FOR ARTICLE 2 SUBPARA (N) TEXT ON TRANSNATIONAL CORPORATIONS. NEVERTHELESS PANAMANIAN CHAIRMAN OF AD HOC DRAFTING GROUP DECIDED NOT TO INCLUDE THIS PERU PROPOSAL IN HIS REPORT BECAUSE IT WAS SUGGESTED LATE AND WAS NOT SUBMITTED IN WRITING.
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9. USDEL IN FINAL DAY'S SESSIONS MADE FIRM STATEMENTS TO EFFECT THAT (A) G-77 HAD NOT SHOWN SUFFICIENT RECOGNITION THAT CONCESSIONS IN GROUP B COMPROMISE PROPOSAL ON PREAMBULR PARA 3 WERE MAJOR CONCESSIONS, AND (B) RE ARTICLE 2, SUBPARA (N) THAT IN APPEALING TO LIMA DECLARATION, G-77 SEEMED TO HAVE MOVED BACK TO MORE CONFRONTATIONAL IGC-III IN ASKING GROUP B COUNTRIES TO CHOOSE BETWEEN NOT BECOMING MEMBERS OF UNIDO SPECIALIZED AGENCY OR ENDORSING IN THE TREATY CREATING THE UNIDO SPECIALIZED AGENCY POSITIONS THEY HAD SERIOUSLY CONSIDERED AND REJECTED IN OTHER FORA. THESE TWO COLD-SHOWER US STATEMENTS WERE RESPONDED TO RESPECTIVELY BY BRAZEL DEL AND NIGERIAN AMBASSADOR WHO EACH GAVE NON SEQUITER RESPONSES WHICH BROUGH THE DISCUSSION OFF THE US PLANE OF GENERALIZATION TO SPECIFIC DISCUSSION OF THE PARAGRAPHS CONCERNED.

10. SPECIFIC TEXTS TO WHICH THE US MAY NEED TO RESPOND ARE CONTAINED IN THE AD HOC DRAFTING GROUP REPORT BEING AIRMAILED. THESE TEXTS ARE HIGHLIGHTED IN REPORTING CABLES 2 AND 3 ON THE PREAMBLE AND ARTICLES 1 AND 2. STIBRAVY

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